

DETAILED ACTION

1. This application has been examined.
2. The amendment and remarks filed 3/2/11 has been entered.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-6, 8-10, 12-22, 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Stuart et al (7519703).

5. Regarding claim 1, Stuart et al shows a method to manage a power state of a processing system of a computer comprising a display device and at least one user input device, comprising: sensing for a human presence in a region proximate the computer independently of any human engagement of the computer (abstract, column 3 lines 35-55, column 10 lines 1-30, column 13 lines 45-52); generating a status signal based on said sensing and controlling at least one user-perceptible output of the

computer based, at least in part, on said status signal (column 3 lines 40-60, column 7 lines 5-35, column 8 lines 1-10 and 40-60). The act of controlling comprises providing electrical power to a central processor in the processing system of the computer when a user is detected when that electrical power had previously been turned off and when no user had previously been detected (column 3 lines 35-55, and especially column 13 lines 45-67).

6. Regarding claim 2, said act of sensing comprises sensing the region from which a user can view a visual output of the processing system (column 13 lines 51-63).

7. Regarding claim 3, said act of controlling comprises muting an audio output associated with the processing system when the human presence is detected (see column 9 lines 32-45 and note how the content displayed may include audio, then see column 14 lines 1-6 which cuts off the display and note that the audio is cut off with the visual).

8. Regarding claim 5, said act of controlling comprises blanking a display device associated with the processing system when the human presence is not detected (column 14 lines 1-7).

9. Regarding claim 6, said act of controlling comprises blanking a display device associated with the processing system if the human presence is not detected for a period of time (column 14 lines 1-7).

10. Regarding claim 8, in addition to that mentioned for claim 1, note that the claim recites "audio output" in alternative form with "an effect on a display device" and thus only "an affect on a display device" need be shown. Please also note that the effect is recited as "any of...changing an image on the display device" and thus only this feature need be shown. Regarding this feature, see column 13 lines 55-67.

11. Claim 9 shows the same features as claim 2 and is rejected for the same reasons. Note the user is a human user.

12. Regarding claim 10, defining the region comprises positioning a remote control device comprising a sensor for detecting the presence of a human such that said sensor defines said region, said region including an entrance to a location where said processing system is disposed and through which a user enters to use the processing system, said remote control device signaling said processing system upon detection of a human presence in said region (column 3 lines 35-55, column 10 lines 1-30, column 13 lines 45-52, and especially column 13 lines 45-67).

13. Regarding claim 12, note the home entertainment system which is part of a personal computer (column 15 lines 30-45).

14. Regarding claim 13, the area may be in a conference area (column 3 lines 35-55, column 10 lines 1-30, column 13 lines 45-52).

15. Regarding claim 30, in addition to claim 8, note a second device coupled to the display device wherein the second device contains a second processor and wherein a processing speed of the second processor can be affected by the signal (column 5 lines 1-25, column 10 lines 1-50). Please also note that the claim recites as "any of...changing an image on the display device" and thus only this feature need be shown. Regarding this feature, see column 13 lines 55-67.

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart et al (7519703) and Abruna (5495302).

18. Regarding claim 4, Stuart et al do not specifically go into the details that said act of controlling comprises blanking a display device associated with the processing system when the human presence is detected, but note that in Stuart et al column 13 lines 55-67 after one type of media is displayed, the human presence is detected to be even closer and a new media type is displayed, and thus the display will switch out of displaying something, to displaying something else when the human presence is detected. Furthermore, Abruna shows (column 6 lines 16-52 and column 7 lines 20-49) blanking a display device when the human presence is detected, to switch out of displaying something when a human presence is detected. It would have been obvious to a person with ordinary skill in the art to have this in Stuart et al, because it would be a convenient way to switch out of displaying something when the human presence is detected.

19. Regarding claim 4, note that this claim recites "either blanking ...or changing..." and thus only blanking need be shown. Thus this claim may be properly read as "muting the audio output and blanking the display device". This is what is shown in Abruna column 6 lines 16-52 and column 7 lines 20-49. The obviousness to have this in Stuart et al is the same as that mentioned in paragraph 24 of this Office Action.

20. Claims 15-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart et al (7519703) and Fulcher (2004/0226993).

.21. Regarding claim 15, in addition to that mentioned for claim 1, the means for generating a signal is a sensor (column 13 lines 51-67, column 14 lines 1-7). Stuart et al may not go into the details that the sensor is adjustable for position and size of the region, but do mention different sensor setups for varying the position and size of the region (column 13 lines 55-67). Furthermore, Fulcher et al do show an adjustable human sensor for adjusting position and size of the region (abstract, para 108). It would have been obvious to a person with ordinary skill in the art to have this in Stuart et al, because it would allow adjustment of position and size of the region.

22. Regarding claim 16, the controller is positioned in the display device (Stuart et al column 13 lines 51-63).

23. Regarding claim 17, the controller for turning on the electrical power is positioned within a remote control device (Stuart et al column 3 lines 30-45, column 15 lines 1-30).

24. Regarding claim 19, the display means for creating a user-perceptible image comprises a digital device (Stuart et al column 4 lines 33-60).

25. Regarding claim 20, the display device comprises a liquid crystal display (Stuart et al column 1 lines 33-43).

26. Regarding claim 21, the display device comprises a cathode ray tube (Stuart et al column 1 lines 33-43).

27. Regarding claim 22, the display device comprises a cathode ray tube (Stuart et al column 1 lines 33-43).

28. Applicant's arguments filed have been fully considered but they are not persuasive. It appears that applicant may be reading too much into the claim language, or not enough into the art. Regarding claim 1 and in general all the claims, Stuart et al show at the end of column 13 (more specifically in lines 55-67) and continuing in column 14, the human presence sensor. This is in fact connected to a computer which has a display device. The display is controlled based on the output of this human presence sensor. A computer is a very broad term, and any of the computing devices and processors used in Stuart et al qualifies as a computer. Regarding claim 4, Abruna is brought in to bring out the fact that the display is blanked when the human presence is detected - applicant's remarks do not address this. As for claim 3 and the audio muting, this is accomplished when the media changes as described in the Office Action.

Regarding claims 8 and 30, note again the alternative language and these features are

shown as explained before. Regarding claim 15, Fulcher et al was brought in to address the newly added feature.

Examiner attempted to call applicant's representative to discuss the invention and claim language interpretation in detail. Applicant's representative is encouraged to contact Examiner at 571-272-4072.

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-

Art Unit: 2174

4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174
